

California State Personnel Board – Agenda
Board Meeting
Tuesday, March 10, 2009 – 10:00 a.m.

Public and Closed Session Location
Embassy Suites LAX - North
9801 Airport Blvd., Marina Del Rey Room
Los Angeles, CA 90045

10:00 a.m. Open Session

Call to Order and Roll Call

I. Information and Discussion Items

- Report of the Executive Officer
- Report of the Acting Chief Counsel
- Report on Legislation
- Report on the California Public Employees Retirement System
- Report on Appeals Division
- New Business

Attachment 1

II. Hearings and Oral Arguments

- 10:15 a.m.**
- Receiver's Request for Delegation and Modification to Processes

10:45 a.m. Closed Session

Attachment 2

- Employee Appointments, Disciplinary Matters, and Other Appeals (As set forth in Attachment 9)
- Deliberation on Non-Evidentiary Cases and Adverse Actions, Discrimination Complaints and other Proposed Decisions Submitted by Administrative Law Judges (As set forth in Attachment 9)
- Pending Litigation
- Recommendations to the Legislature
- Recommendations to the Governor
- Employee Personnel Matter

11:30 a.m. Open Session

III. Action Items

- Minutes From January 27, 2009 Board Meeting
- Minutes From February 11, 2009 Board Meeting
- Closed Session Minutes From January 27, 2009 and February 11, 2009 Board Meetings
- Resolution Extending Time Pursuant to Government Code Section 18671.1
- Non-Hearing Agenda
- Career Executive Assignment (CEA) Category Activity

Attachment 3

Attachment 4

Attachment 5

Attachment 6

Attachment 7

- Hearing Agenda
 1. Submitted Items
 2. Evidentiary & Non-Evidentiary Cases

Attachment 8

Attachment 9

IV. Strategic Planning

ADJOURNMENT

Any person with a disability who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, may submit a written or electronic request for such modification or accommodation to the State Personnel Board, Office of the Secretariat, 801 Capitol Mall, Sacramento, CA 95814, or to hcable@spb.ca.gov, no later than **five days** prior to the scheduled hearing date.

**Patricia Clarey
CalPERS Update
February 2009**

Board President and Vice President Re-Elected

The Board unanimously re-elected Rob Feckner to a fifth term as its President and George Diehr as Vice President for a second year.

CalPERS Total Fund

As of December 31, 2008, the total value of the fund was approximately \$183.3 billion. For the one-year period ended December 31, 2008, the gross rate of return was approximately -26.36%. For the fiscal year-to-date period ended December 31, 2008, the gross rate of return was -23.02%.

Market Reform Principles

The Board adopted the Principles of Financial Regulation Reform developed by a group of public pension funds and plan sponsors. Staff will engage in activities to carry the market reform message to relevant policy makers.

Legislative Reports: Holocaust Era and Northern Ireland Annual Reports

The Board approved the Holocaust Era and Northern Ireland Reports for Transmittal to the Legislature.

State Legislative Proposal: Inactive Member Distribution

The Board approved to sponsor legislation to specifically authorize the refunding of accumulated contributions to members when they reach 70 years of age.

CalPERS Appointee to the California Actuarial Advisory Panel

The Board of Administration appointed Ron Seeling, Chief Actuary, as the CalPERS representative to the California Actuarial Advisory Panel.

- **Employee Appointments, Disciplinary Matters, and Other Appeals**
Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 1126(c)(3), 18653(3)]
- **Deliberation on Non-Evidentiary Cases and Adverse Actions, Discrimination Complaints and other Proposed Decisions Submitted by Administrative Law Judges**
Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.
[Government Code sections 11126(c)(3), 18653]
- **Pending Litigation**
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e), 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
United States District Court, Northern District of California
Case No. C01-1351 TEH

Service Employees Local 1000 v. California Department of Education, et al.
Sacramento Superior Court Case No. 34-2009-00032144-CU-WM-GDS

Three Ranks Pilot Project
- **Recommendations to the Legislature**
Deliberations on recommendations to the Legislature.
[Government Code section 18653]
- **Recommendations to the Governor**
Deliberations on recommendations to the Governor.
[Government Code section 18653]
- **Employee Personnel Matter**
Discussion concerning the appointment and employment of Chief Counsel candidates.
[Government Code section 11126(a)(1)]

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

NON-HEARING AGENDA

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing. Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

(1) DEPARTMENT OF FORESTRY AND FIRE PROTECTION

The Department of Forestry and Fire Protection (CalFIRE) requests to revise the Forester classification series by updating the language and minimum qualifications. Additionally, CalFIRE requests the removal of footnote 24 from the Forester III classification to allow CalFIRE to use the class once again.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

C. BACKDATE OF APPOINTMENTS

State Personnel Board staff proposes the adoption of the following matters in which departments have requested an employee be appointed retroactively to a position. Staff has reviewed the following requests and has advised the Board of recommended action.

(1) CASE NO. 08-87BD

Request to Backdate Appointment

Classification: Business Services Assistant (Specialist)

Department: Department of Justice

DATE: March 10, 2009

TO: STATE PERSONNEL BOARD

FROM: Kathy Darling
Classification and Compensation Division
Department of Personnel Administration

REVIEWED BY: Barbara Hudson
Classification and Compensation Division
Department of Personnel Administration

SUBJECT: Forester Classification Series

SUMMARY OF ISSUES:

CalFIRE requests to revise the Forester classification series by updating the language and minimum qualifications based on a recently completed job analysis. Additionally, CalFIRE requests the removal of footnote 24 from the Forester III classification to allow CalFIRE to use the class once again.

Although the Forester III has a footnote 24 and has no current incumbents, the class was never abolished. CalFIRE has established a need to utilize the class once again and DPA is in agreement with this request.

CONSULTED WITH:

Tony Favro, Classification Manager, CalFIRE
Cheryl Robertson, Personnel Officer, CalFIRE
Windy Bouldin, Classification Manager, CalFIRE
Bill Snyder, Deputy Director, Resources Management Program, CalFIRE
Duane Shintaku, Assistant Deputy Director, Forest Practice, CalFIRE
Russ Henly, Assistant Deputy Director, Resource Protection and Improvement, CalFIRE
Dennis Hall, Forestry and Fire Protection Administrator, CalFIRE
Doug Wickizer, Forestry and Fire Protection Administrator, CalFIRE
Dana Manning, Labor Relations Officer, DPA

In accordance with the terms of the DPA/BU 8 CDF Firefighters contract, DPA has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

In July 2007, CAL FIRE completed a job analysis of the *Forester* Series. The job analysis reviewed literature relevant to the *Forester* Series, including the existing series specification and CAL FIRE duties statements covering the different classifications involved in the study. CAL FIRE Human Resources staff also met with consultants and subject matter experts to develop inventories of tasks and knowledge, skills, and abilities (KSAs) that reflected current requirements for successful job performance in each analyzed classification; to identify

essential tasks and required KSAs; to link the tasks to the KSAs; and to identify other issues within the series.

The job analysis identified changes that need to be made to terminology within the series, identified changes to essential tasks and important KSAs, and recommended the reestablishment of the Forester III classification. Prior to 1996, CAL FIRE used the classification of Forester III to perform higher level Resource Management duties, such as managing a major statewide or region Resource Management program, overseeing an entire Unit Resource Management program, or managing the largest State forest.

However, in 1996, a classification and pay study of the *Forester Series* and the *State Forest Ranger* (now *Chief Officer*) Series revealed that incumbents in the State Forest Ranger III (or Deputy Chief) and Forester III classifications performed duties at a similar level and that the knowledge and abilities required to perform successfully in these higher level positions were similar to the knowledge and abilities required for the State Forest Ranger II (Assistant Chief). As such, CAL FIRE proposed to incorporate the duties and responsibilities of the two classifications into one classification (Assistant Chief (Supervisory)) and abolish the State Forest Ranger III and Forester III.

Ten years after recommending abolishment of the Forester III classification, CAL FIRE completed a job analysis of the *Chief Officer Series* in 2006. In addition to identifying essential tasks and important KSAs that needed to be added to the Chief Officer specification, this job analysis addressed the allocation of Assistant Chiefs to perform Resource Management functions and emphasized the importance of fire protection experience, training, and education for Assistant Chief positions.

As a result, and in conjunction with the 2007 *Forester Series* job analysis, CAL FIRE is now recommending reactivation of the Forester III classification (by removing the footnote 24) to perform the higher level Resource Management responsibilities currently being performed by Assistant Chiefs.

RECOMMENDATIONS:

1. That the proposed revised Forester classification series specification, as shown in this calendar, be adopted.
2. That footnote 24 be abolished from the Forester III classification.

CLASSIFICATION CONSIDERATIONS

Instructions: Complete after if Concept (Part A) is approved by DPA. Answer all applicable questions, providing enough information to support your proposal. Return this with a signed transmittal form to your DPA and SPB Analysts.

Background

- 1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.**

The Department of Forestry and Fire Protection (CAL FIRE) is an emergency response and forest resource/watershed protection department. CAL FIRE serves and safeguards the people and protects the property and natural resources of California. CAL FIRE's various Resource Management programs work together to assess, manage, restore, and protect non-federal forest resources in urban, rural and wildland areas, and to enforce the State's forestry and fire prevention laws and regulations.

Classifications within the *Forester* Series perform professional work pertaining to forest, range, and watershed management and protection. Foresters provide encouragement, advice, and assistance to landowners, individuals, organizations, and agencies; regulate harvesting of commercial tree species from non-federal lands; and actively participate in wildland/forest management and local land use planning.

Due to the professional nature of the duties, to comply with the Professional Foresters Law (PRC §§ 750-783), each Forester within the series must hold a valid Registered Professional Forester's (RPF) license. Typical work within the series involves the planning, developing, and administering of CAL FIRE Resource Management programs and the review of work products of other licensed professionals. Duties include but are not limited to: forest inventory work (growth and yield volume estimation), forest health assessments, research and demonstration projects on state forests, forest pest protection, reforestation, forest products and biomass utilization; forest and wildland improvement and restoration; forest policy development and implementation; urban forestry projects; vegetation management; pre-fire engineering; all-risk emergency response; land-use planning; greenhouse gas assessments and carbon sequestration; and forest nursery operations. Foresters also map and inventory wildland soils and vegetation; oversee emergency soil stabilization assessments, revegetation, watershed rehabilitation, and range improvement after catastrophic wildfire incidents; conduct forest practice and fire prevention inspections; prosecute criminal and civil law violators; manage state forests for research, timber production, and recreation; and conduct studies in forest economics, engineering, genetics, silviculture, best management practices, social impacts, wildlife habitat, and water quality mitigation/protection. In addition, Foresters are responsible for watershed management; and environmental coordination and review pursuant to the California Environmental Quality Act.

In July 2007, CAL FIRE completed a job analysis of the *Forester* Series. The job analysis reviewed literature relevant to the *Forester* Series, including the existing series specification and CAL FIRE duties statements covering the different classifications

involved in the study. CAL FIRE Human Resources staff also met with consultants and subject matter experts to develop inventories of tasks and knowledge, skills, and abilities (KSAs) that reflected current requirements for successful job performance in each analyzed classification; to identify essential tasks and required KSAs; to link the tasks to the KSAs; and to identify other issues within the series.

The job analysis identified changes that need to be made to terminology within the series, identified changes to essential tasks and important KSAs, and recommended the reestablishment of the Forester III classification. Prior to 1996, CAL FIRE used the classification of Forester III to perform higher level Resource Management duties, such as managing a major statewide or region Resource Management program, overseeing an entire Unit Resource Management program, or managing the largest State forest.

However, in 1996, a classification and pay study of the *Forester* Series and the *State Forest Ranger* (now *Chief Officer*) Series revealed that incumbents in the State Forest Ranger III (or Deputy Chief) and Forester III classifications performed duties at a similar level and that the knowledge and abilities required to perform successfully in these higher level positions were similar to the knowledge and abilities required for the State Forest Ranger II (Assistant Chief). As such, CAL FIRE proposed to incorporate the duties and responsibilities of the two classifications into one classification (Assistant Chief (Supervisory)) and abolish the State Forest Ranger III and Forester III.

The intent of this change was to reduce the number of classifications in the *Chief* Series, to simplify the classification structure, to provide management with selection flexibility, and to provide cost savings within the examination process. To prevent any negative impact to existing incumbents in the Forester III classification, a footnote 24 was applied to prevent any future appointments, and positions were reclassified to Assistant Chief as they became vacant. Currently, there are no Forester III positions left in CAL FIRE, but the classification has not yet been abolished. CAL FIRE has approximately 15 Assistant Chief positions that perform higher level Resource Management duties.

Ten years after recommending abolishment of the Forester III classification, CAL FIRE completed a job analysis of the *Chief Officer* Series in 2006. In addition to identifying essential tasks and important KSAs that needed to be added to the Chief Officer specification, this job analysis addressed the allocation of Assistant Chiefs to perform Resource Management functions and emphasized the importance of fire protection experience, training, and education for Assistant Chief positions.

As a result, and in conjunction with the 2007 *Forester* Series job analysis, CAL FIRE is now recommending reactivation of the Forester III classification (by removing the footnote 24) to perform the higher level Resource Management responsibilities currently being performed by Assistant Chiefs.

The Definition of the Series has also been updated to reflect a more accurate description of how classifications are used, and changes have been made to the Definition of Levels, the Knowledge, Skills, and Abilities, and the Special Personal Characteristics for the different classifications within the series. In addition, CAL FIRE has included language in reference to felony disqualification for positions within the *Forester* Series that are designated as peace officers. Incumbents in the *Forester* Series continue to train and participate in CAL FIRE's emergency response to wildfires, floods, earthquakes and other disasters. Most Foresters are qualified peace officers or public officers and

as such, enforce both forestry and fire laws, and assist in arson investigations when fire prevention staff resources are otherwise committed. Foresters at all levels also serve on CAL FIRE incident command teams (ICTs).

Classification Considerations

2. What classification(s) does the subject class(es) report to?

A Forester I (Nonsupervisory) typically reports to a Forester II (Supervisory), an Assistant Chief (Supervisory), an Assistant Chief (Supervisory) with Differential, a Unit Chief, or a Forestry and Fire Protection Administrator (FFPA). Upon reactivation of the Forester III classification, Forester I (Nonsupervisory) positions may also report to a Forester III.

A Forester II (Supervisory) typically reports to an Assistant Chief (Supervisory) with Differential, a Unit Chief, or a FFPA. Upon reestablishment of the Forester III classification, Forester II (Supervisory) positions may also report to a Forester III.

Once the Forester III is reactivated (by removing footnote 24), it will typically report to a Unit Chief, a FFPA, an Assistant Deputy Director (CEA, Level 2), or an Assistant Region Chief (CEA, Level 2).

3. Will the subject class(es) supervise? If so, what class(es)?

A Forester I (Nonsupervisory) is rank-and-file and will not supervise, but may be tasked to assist the supervisor in providing directions to seasonal forestry aides, forestry technicians, and/or forestry assistants in the performance of their daily duties.

A Forester II (Supervisory) typically supervises Foresters I (Nonsupervisory), Forestry Assistants II, Forestry Assistants I, Forestry Technicians, Forestry Aids, and various support staff and clerical classifications.

A Forester III will typically supervise Foresters II (Supervisory), Foresters I (Nonsupervisory), Forestry Assistants II, Forestry Assistants I, Forestry Technicians, Forestry Aids, and various support staff and clerical classifications.

4. What are the specific duties of the subject class(es)?

Forester I (Nonsupervisory):

This is the entry and first working level in the professional level classification whereby each incumbent must hold a valid RPF license. Incumbents perform difficult, professional duties in connection with forest, range, watershed management, protection, and planning in support of CAL FIRE projects, and during the course of review of work of other licensed professionals. At the Unit level, incumbents enforce regulations, carry out policy, and serve in Forest Practice, Vegetation Management, Forestry Assistance, or other Resource Management assignments, as well as Fire Protection, Pre-Fire Engineering, Fire Prevention, local land use planning, and risk analysis. In some Units, single positions function as Unit Foresters, with multiple program responsibilities. Incumbents may also be responsible for a segment of operations at State Forests or

Seedling Nursery/Seed Bank. In region or headquarters assignments, incumbents may serve as staff specialists assisting in statewide management of Resource Management programs such as Forest Practice, Forest Management, or Urban Forestry. Incumbents may also serve as staff specialists or assistants responsible for activities of other CAL FIRE programs, such as pre-fire engineering, local land use planning, and risk analysis. Incumbents with appropriate training, qualifications, and experience may also serve as relief Battalion Chiefs or in other fire protection/fire prevention assignments.

Forester II (Supervisory):

Foresters II (Supervisory) perform the more difficult, sensitive, and complex professional forestry duties in connection with forest, range, watershed management, protection, and planning, and interpret, implement, and assist in the development of regulations and policy to ensure consistent application. In Units with large Resource Management staffs, Foresters II (Supervisory) supervise two or more staff, which may include Foresters I (Nonsupervisory), Forestry Assistants, or Forestry Technicians, and Fire Protection and Prevention staff. At the largest State Forest, Foresters II (Supervisory) serve as supervisors in charge of a segment of State Forest operations. In region offices and at Units with large Resource Management staffs, Foresters II (Supervisory) serve as THP Review Team Chairpersons. In region offices and headquarters, Foresters II (Supervisory) supervise staff in performing the activities of a major Resource Management, Resource Assessment, Fire Risk Assessment, or Planning program. This level may also be involved with the drafting and development of policy and regulations for CAL FIRE. Incumbents with appropriate training, qualifications, and experience may also serve as Duty Chief or in other fire protection assignments.

Forester III:

Foresters III perform the most difficult, sensitive, and complex forest, range, watershed management, protection, and planning duties such as responding to inquiries from legislators, advocate/civic groups, and citizens; administering a region or statewide Resource Management program; and supervising the review and processing of timber harvesting plans (THPs). Foresters III are delegated as the Director's representative to make final determination on THPs and issue the permit which authorizes commercial timber operations on private lands. Foresters III may have in-charge responsibility for the largest State Forest and Units with large Resource Management programs. Foresters III are responsible for planning, organizing, and directing the forest, range, and watershed management activities statewide or in an administrative area. Foresters III are directly involved with the drafting and development of complex policy, procedures, and regulations for CAL FIRE to ensure consistent statewide application of Resource Management principles. Foresters III may supervise a staff of Foresters. Incumbents with appropriate training, qualifications, and experience may also serve as Duty Chief or in other fire protection assignments.

5. What is the decision-making responsibility of the subject class(es)?

The decision making responsibility of all three Forester classifications varies considerably, depending on the classification and the working title. All three Forester classifications are responsible for decisions that are necessary to address at a minimum: 1) various types of **emergency** situations; 2) public and employee **safety**; 3) differing levels of **supervision** or employee direction; 4) interpretation, application and/or development of department **policies**, regulations, or legislation; 5) project **planning** and implementation; 6) **evaluation** of project and program success; and 7) **enforcement** of the State's laws and regulations. All three classifications work both independently and as part of various teams or working groups composed of other agency representatives and other stakeholders in the decision-making process.

Emergency – All three classifications receive training and are available at all times to respond to emergency assignments that vary from vehicle accidents to large-scale, multi-agency incidents such as wildland fires and floods. The decision making responsibility depends on the situation and each individual's training. Each Forester, regardless of the classification, may be called upon to make decisions regarding an immediate life threat if he or she is appropriately trained and arrive first at an accident or other emergency. The Forester's decision-making role in large-scale emergencies depends on the level of training received under the Incident Command System and the individual position occupied during the incident. This is not specific to the classification, but rather the training. The decision-making responsibility on an incident could be related to incident operations, planning, finance, etc. and is critical to the success of the Incident Command Team in the overall management of the incident. Foresters in each classification may also be called upon to serve as Duty Chief, Unit Chief, or Battalion Chief to provide full coverage of these critical positions; directing local operations in cooperation with other Chief Officers in the event of an emergency.

Safety - All three classifications receive safety training to address broad department-wide safety issues, as well as safety issues specific to their individual assignments. Each Forester, regardless of classification, is responsible for decision-making that affects his or her personal safety and that of the employees he or she directs, or in the case of the Foresters II and Foresters III, those employees they supervise as well. Foresters are also responsible for decision-making regarding public safety, regardless of the classification. The responsibility for decision-making regarding safety almost always includes decisions related to driver safety. In addition, many Forester positions in all three classifications must make decisions daily with regard to safe working conditions in adverse environmental conditions including steep, rugged terrain, and adverse weather conditions. Other decision-making regarding safe working conditions for work performed by Foresters in various classifications includes decisions related to the proper handling and disposal of hazardous materials such as pesticides, decisions related to fire-line safety, decisions related to safety around heavy equipment and machinery, decisions regarding the safe handling of firearms, and decisions regarding the safe use of various hand and power tools. Furthermore, Foresters in all classifications must be capable of making decisions which will result in immediate and long-term public safety with regard to environmental planning and disaster mitigation.

Supervision - Although a Forester I is not a supervisory position, positions in this classification are often required to make decisions regarding other employees they must direct in the performance of their daily duties. Foresters II and Foresters III are

supervisors and must make decisions regarding staffing and work schedules. They must also make decisions regarding employee training, travel, budget management, progressive discipline, hiring, employee terminations, as well as other supervisory decisions in a manner that ensures professional standards and policy requirements are being met.

Policy interpretation, application, and/or development – Foresters I, II, and III are responsible for decision-making regarding policy interpretation and application in implementing CAL FIRE projects, enforcing rules and regulations related to forestry and fire management, and while directing (or supervising) the work of others. In addition, Foresters II and III may be required to make decisions regarding the development of policies or regulations representing CAL FIRE as part of working groups tasked with policy or regulation review and development; determining and/or negotiating appropriate solution paths for policy issues.

Planning - In regard to planning, the decision-making in the Forester I classification is typically focused at the individual project level, which could be decisions regarding environmental protection during the development of a THP on a state forest, decisions regarding appropriate assistance of a landowner with a forest improvement project, decisions regarding the initial approval of an application for a fuels reduction grant, or development of an annual sowing plan for a state nursery, etc. In addition, Foresters II and III make decisions about program implementation and budget allocation between program areas (if managing more than one program area) minor contract approvals, and purchasing. Foresters III decision-making authority extends to statewide and regional programs including decisions related to review and approval of environmental documents, as well as decisions related to the administration of a variety of other programs including, but not limited to, nursery programs, pest management programs, urban forestry programs, forestry assistance programs, vegetation management programs, and law enforcement programs.

The decision-making in all three Foresters classifications also includes decisions related to efficient and cost effective project implementation, which could be decisions regarding the field preparation of a THP on a state forest, decisions regarding implementation of a forest improvement project, decisions regarding the implementation of fuels reduction projects, or implementation of an annual sowing plan for a state nursery, etc. Additionally, Foresters III decision-making authority extends to the implementation of a variety of statewide and regional projects and programs including, but not limited to, nurseries, pest management, urban forestry, forestry assistance, vegetation management, and law enforcement.

Evaluation - The decision-making in all three Foresters classifications includes decisions related to the evaluation of projects to determine their effectiveness in meeting project goals, in protecting the resources of the State, and in ensuring fiscal accountability for State projects or projects sponsored by CAL FIRE. This evaluation could require decisions regarding the proper implementation of mitigation measures under a THP, decisions regarding the evaluation of a forest improvement project to ensure the project objectives have been met, and decisions regarding the evaluation of fuels reduction projects to ensure the appropriate level of protection has been achieved and that resources at risk have been adequately protected both during project implementation and as a result of the project. Foresters II and III also must evaluate the performance of other employees they supervise.

Additionally, Foresters III decision-making authority extends to the evaluation of statewide and regional programs to determine whether CAL FIRE's goals are being met and that statewide programs are being delivered in a consistent manner. This includes decisions related to discontinuing ineffective programs, providing guidelines to improve existing programs, or developing new programs to address a need identified through the evaluation process. These decisions apply, but are not limited to, a variety of statewide programs such as the state nursery program, pest management program, urban forestry programs, forestry assistance programs, vegetation management programs, environmental review programs, and law enforcement programs.

Enforcement - Foresters I, II, and III have decision making authority regarding compliance with the State's forestry and fire prevention laws, regulations, and department policies. Positions in all three classifications may be required to make decisions as a Peace Officer or Public Officer; including decisions related to the apprehension of violators, use of force, investigation of crime scenes or areas where violations of the state laws or regulations have been committed.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

All three classifications are responsible to respond to emergency assignments that vary from vehicle accidents to large-scale, multi-agency incidents such as wildland fires and floods. Failure to perform this function of their job could result in an immediate life threat or compromise the safety of themselves, other employees, and the public. Depending on the assignment, failure to perform could have a negative impact on large-scale incident operations, planning, or result in significant financial impacts to the State. Foresters in each classification may also be called upon to serve as Duty Chief, Unit Chief, or Battalion Chief to provide full coverage of these critical positions. Failure to perform this function would result in staffing problems impacting other program areas and loss of coordination of emergency resources in the event of an emergency.

All three classifications are responsible for personal, public, and employee safety in the performance of their everyday duties. Failure to perform this aspect of their jobs adequately could result in substantial risk to themselves and others, and may result in immediate and long-term public safety with regard to environmental planning and disaster mitigation.

Inadequate supervision by Foresters II and III could result in disciplinary problems, lost productivity, poor program delivery, and inappropriate spending leading to impacts to the budget.

Failure to perform in all classifications could have a significant impact on the public due to inadequate program delivery resulting in lack of services to the public and inadequate environmental protection. This could result in dissatisfied landowner assistance clients, partner agencies or organizations (e.g., Fire Safe Councils), loss of potential revenue generation on State Forests, and the loss of state and federal grant program funding. Failure to provide services or to enforce forestry and fire laws and regulations as required under State law could result in significant impacts to forest health such as the spread of forest insects and diseases, increases in fire hazard severity, lack of resources

needed for environmental recovery such as the inadequate availability of tree seedlings from State nurseries following a disaster, or immediate impacts to environmental resources. Appropriate regulations for fire protection and resource management may not be adopted or be efficiently processed to become chaptered. These failures can have economic, fiscal, and public safety repercussions, and may result in costly legal actions against CAL FIRE.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

All three classifications require a license as a RPF. They must possess a high level of analytical skills not only to analyze issues but to understand and critique the analysis of others. High level mathematical skills are required in most positions related to environmental sciences (biological, botanical, silvicultural, etc.), engineering, budgeting, and accounting. Additionally; relational, situational, and policy issues or problems are all commonly analyzed to determine the most appropriate course of action. All three Foresters classifications are required to utilize their academic abilities, knowledge of research, and practical "on-the-job" experience to perform their jobs properly on a daily level. Some positions in each classification require more specialized analytical skills in the fields of forest biometrics, mensuration, hydrology, statistics, and economics.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

The type, purpose, and level of contacts vary considerably in all three Foresters classifications depending on the specific position.

Purpose - The purpose of the contacts for all three classifications includes, but is not limited to: providing technical expertise and information on complex forestry issues, reviewing work products of private sector or contracted RPFs and other licensed professionals, facilitating efficient and timely emergency incident management; enforcing the laws and regulations pertaining to resource management, fire protection, and fire prevention; educating the public on forestry issues; and working with landowners, vendors, and contractors to plan, implement, and evaluate various Resource Management projects.

Foresters II and III must also contact other managers within an administrative Unit to ensure efficient program management at the Unit level. As supervisors, contacts for these classifications include subordinates at various levels for the purpose of providing direction of daily work.

In addition to the above, Foresters III contact various groups and agencies for the purpose of providing input on statewide policy development and to facilitate programmatic issue resolution.

Type - The type of contacts range from home owners and other individual members of the public to high level managers in business, government, and special interest groups. There are also frequent contacts with legislators, lobbyists, and local government officials at the Foresters II and III level. All three classifications routinely work with various public organizations such as community groups (Fire Safe Councils, urban forestry nonprofits, etc.), schools (including primary grades through universities),

volunteer organizations, international organizations such as the Sierra Club, and professional organizations such as the Society of American Foresters and the California Licensed Foresters Association. In emergency situations, contacts for all classifications include representatives at all levels from various state, local, and federal emergency management agencies such as the Office of Emergency Services, U.S. Forest Service, and county fire departments. Other contacts include, but are not limited to, subordinate employees, other agency specialists, researchers, technicians, forestry laborers, attorneys, and emergency medical professionals.

Level – The level of contacts varies depending on the purpose of the contact and the position of the Forester. The level of contacts for all Foresters classifications varies from primary grade students to elected officials. Foresters in each classification must dialogue with high level company officials when enforcing state laws and regulations; interaction with company managers is not passed on to CAL FIRE management, but instead dealt with at the local Unit level, beginning with Foresters I or II. Foresters II and III must be able to represent CAL FIRE's perspective to upper level managers of private industrial timberland owners so they have a clear understanding of their legal obligations.

Generally, Foresters II will be likely to have more contact with higher level individuals in various organizations than Foresters I, and Foresters III are likely to have more contact with higher level individuals than Foresters II.

Need for New Class (if necessary)

9. **For new classes only: what existing classes were considered and why were they not appropriate?**

Not applicable.

Minimum Qualifications

10. **What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)**

(1) This proposal revises the minimum qualifications for Forester I (Nonsupervisory) as follows:

Either I

Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection or possession of an authorized letter from the California State Board of Forestry and Fire Protection, Professional Foresters Registration, to compete in the Registered Professional Forester exam. (Applicants with an authorization letter from the California State Board of Forestry and Fire Protection, Professional Foresters Registration, will be admitted to the examination, but they must secure the license before they will be considered eligible for appointment.)

Or II

Experience: Two years of experience performing the duties of a Forestry Assistant II in the California state service; and

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection (applicants who do not possess the required license will be admitted to the examination, but they must secure the license before they will be considered eligible for appointment).

Or III

Experience: One year of experience performing the duties of a Forestry Assistant II in the California state service and six months of forestry work requiring professional skill. (Graduation from college with specialization in forestry, range management, or a closely related natural resource field may be substituted for the six months of forestry work.) and

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection (applicants who do not possess the required license will be admitted to the examination, but they must secure the license before they will be considered eligible for appointment).

Or IV

Experience: Either

1. Three years of experience in the California state service performing forestry work requiring professional skill, fire prevention, or supervising fire suppression work in a class comparable in level to a Forestry Assistant II. or

2. Two years of experience in forestry work requiring professional skill involving one of the following: management of a forest area; management of forest resources; appraising forest resources; ~~harvesting forest products~~; forest engineering; regulating forest practices; controlling forest pests; reforestation or tree nursery production; urban forestry; or range and watershed management duties. (Graduate work in forestry may be substituted for up to one year of the required experience on a year-for-year basis.) and

Education: Equivalent to graduation from college with specialization in forestry, range management, or a closely related natural resource field. (Additional qualifying experience may be substituted for up to two years of the required education on a year-for-year basis.) and

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection (applicants who do not possess the required license will be admitted to the examination, but they must secure the license before they will be considered eligible for appointment).

(2) This proposal revises the minimum qualifications for Forester II (Supervisory) as follows:

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection; and

Either I

Experience: Two years of experience in the California state service performing forest, range, or watershed management duties in a class comparable in level to a Forester I (Nonsupervisory).

Or II

Experience: Three years of experience in forestry work requiring professional skill involving management of a forest area, appraising management of forest resources, harvesting forest products, appraisal of forest resources, forest engineering, regulating forest practices, controlling forest pests, reforestation or tree nursery production, urban forestry, or range and watershed management duties. (Graduate work in forestry may be substituted for up to one year of the required experience on a year-for-year basis) and

Education: Equivalent to graduation from college with specialization in forestry, range management, or a closely related natural resource field. (Additional qualifying experience may be substituted for up to two years of the required education on a year-for-year basis.)

- (3) Since CAL FIRE stopped using the classifications of Forester I (Supervisory) and Forester II (Nonsupervisory), both classifications were abolished. Thus, CAL FIRE proposes to remove all references to Forester I (Supervisory) and Forester II (Nonsupervisory), including the minimum qualifications, from the specification.

- (4) This proposal reestablishes the minimum qualifications for Forester III as follows:

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection. and

Experience: One year of experience in the California state service performing forest, range, or watershed management duties in a class comparable in level to a Forester II (Supervisory).

- (5) The proposal updates the Knowledge and Abilities for Forester I (Nonsupervisory), Forester II (Supervisory), and Forester III to reflect competencies now required for those classifications.

- (6) The proposal adds Felony Disqualification language for positions designated as peace officers. This change reflects current standard terminology regarding peace officer positions.

Probationary Period

☐ The probationary period is six months

11. If a probationary period other than six months is proposed, what is the rationale?

No changes to the probationary period are being proposed.

Status Considerations

12. What is the impact on current incumbents?

There are no incumbents in the Forester III classifications, and there is no impact to the current incumbents in the classifications of Forester I (Nonsupervisory) or Forester II (Supervisory). This specification revision will (1) update the definition of levels, knowledge, skills, and abilities, and terminology based on a recently completed job analysis of the series; and (2) reactivate the Forester III classification. It is anticipated that once the Forester III classification is reactivated, an exam is given and a list generated, CAL FIRE will refill Resource Management Assistant Chief positions as Foresters III as they become vacant.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

Not applicable.

Consulted With

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Bill Snyder, Deputy Director, Resource Management Program, CAL FIRE

Duane Shintaku, Assistant Deputy Director, Forest Practice, CAL FIRE

Russ Henly, Assistant Deputy Director, Resource Protection and Improvement, CAL FIRE

Dennis Hall, Forestry and Fire Protection Administrator, CAL FIRE

Doug Wickizer, Forestry and Fire Protection Administrator, CAL FIRE

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

FORESTER

Series Specification
(Established November 1, 1972)

SCOPE

This series specification describes three Forester classes used in the Department of Forestry and Fire Protection.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
BY80	1054	Forester I (Nonsupervisory)
BY70	1042	Forester II (Supervisory)
BY60	1041	Forester III

DEFINITION OF SERIES

The Forester series describes professional work concerned with forest, range, and watershed management and protection, which is accomplished by: providing encouragement, advice, and assistance to landowners, individuals, organizations, and agencies; regulating use; demonstrating good wildland management; and seeking through research, assessment, risk analysis, and studies the necessary knowledge to utilize and protect forest, range, and watershed lands while protecting all forest their benefits. Foresters are also required to assist in the suppression of fires and the rehabilitation of lands and their natural resources caused by such incidents participate in fire protection, fire prevention, and all-risk response.

Work assignments involve the planning, development, and administration of resource management programs; surveys, research, and demonstration projects in the fields of forest pest protection, reforestation, climate change, forest utilization, and forest nursery operations; mapping and inventory of wildland soils and vegetation; emergency revegetation and rehabilitation; brush range improvement; forest practice inspection and fire prevention inspections and regulation; criminal and civil law enforcement; State forest management; studies in forest economics, engineering, genetics, and appraisal; watershed management; environmental protection; forest products utilization; forest and wildland improvement and restoration; environmental review; forest policy; urban forestry; vegetation management; pre-fire engineering; all-risk response; and land-use planning. Individuals entering the series must pass the successfully complete basic fire control training ~~Course~~ prior to the end of probation.

JOB CHARACTERISTICS

Certain positions in these classifications require peace officer or public officer status as a condition of appointment and continued employment.

ENTRY LEVELS

Entry into this series is typically at the class of Forester I (Nonsupervisory). The class of Forestry Assistant II also provides preparation for promotional entry. ~~Promotion~~ Entry from fire suppression classes is also ~~provided~~ permitted.

FACTORS AFFECTING POSITION ALLOCATION

Level, variety, ~~and~~ complexity, and technical difficulty of work; nature of public contact; supervision received and exercised; latitude for independent judgment and action, ~~and~~; responsibility for ~~decision~~ decisions; geographic responsibility area; degree of administrative responsibility; program control; influence on policy decision; and influence on methods and program direction.

DEFINITION OF LEVELS

FORESTER I (NONSUPERVISORY)

This is the entry and first working level. Incumbents perform difficult, professional ~~forestry~~ duties in connection with forest, range, ~~and~~ watershed management, ~~activities~~ protection, and planning. At the ~~ranger~~ unit level, incumbents enforce regulations, carry out policy, and serve in Forest Practice, Vegetation Management, Forestry Assistance, or other Resource Management assignments, as well as Fire Protection, Pre-Fire Engineering, fire prevention, local land use planning, and risk analysis. In some ~~ranger~~ units, single positions function as Unit Foresters, ~~responsible for the full range of Resource Management functions~~ with multiple program responsibilities. Incumbents may also be responsible for a segment of operations at a ~~large~~ State Forest or Nursery. In region or headquarters assignments, incumbents may serve as staff specialists or assistants responsible for activities of a ~~major~~ resource management program such as Forest Practice, Forest Management, or Urban Forestry. Incumbents may also serve as staff specialists or assistants responsible for activities of other department programs, such as pre-fire engineering, local land use planning, and risk analysis. Incumbents with appropriate training, qualifications, and experience may also serve as relief Battalion Chiefs or in other fire protection assignments.

FORESTER II (SUPERVISORY)

Foresters II (Supervisory) perform the more difficult, sensitive, and complex professional forestry duties in connection with forest, range, or watershed management activities, protection, and planning, and interpret, develop, and implement regulations and policy to ensure consistency in consistent application by Foresters I. In ~~ranger~~ units with large Resource Management staffs, Foresters II (Supervisory) supervise two or more staff, which ~~includes~~ may include Foresters I (Nonsupervisory), ~~and which may include~~ Forestry Assistants or Forestry Technicians, and fire protection and prevention staff. At the largest State Forest, Foresters II (Supervisory) serve as ~~second-level~~ supervisors in charge of a segment of State Forest operations. In region ~~or area~~ offices and at ~~ranger~~ units with large resource management staffs, Foresters II (Supervisory) serve as THP Review Team Chairpersons. In region ~~or area~~ offices and headquarters, Foresters II (Supervisory) supervise staff in performing the activities of a major resource management, resource assessment, fire risk assessment, or planning program. This level may also be involved with the drafting and development of policy and regulations for the Department. Incumbents with appropriate training, qualifications, and experience may also serve as ~~ranger unit duty officers~~ chief or in other fire protection assignments.

FORESTER III

Foresters III perform the most difficult, sensitive, and complex forest, range, watershed management, protection, and planning duties such as responding to inquiries from legislators, advocate/civic groups, and citizens; administering a region or statewide resource management program; and supervising the review and processing of timber harvesting plans. Foresters III may have in-charge responsibility for the largest State Forest and in units with large resource management programs. Foresters III are responsible for planning, organizing, and directing the forest, range, and watershed management activities in an administrative area. Foresters III may supervise a staff of Foresters.

MINIMUM QUALIFICATIONS

ALL LEVELS:

Breadth of experience through a variety of job assignments is a factor in planned manager development in the Department of Forestry and Fire Protection. Although Foresters develop highly specialized assignments at higher levels, rotation in assignment is anticipated at all levels within the series.

FORESTER I (NONSUPERVISORY)

Either I

Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection or possession of an authorized letter from the California State Board of Forestry and Fire Protection, Professional Foresters Registration, to compete in the Registered Professional Forester exam. (Applicants with an authorization letter from the California State Board of Forestry and Fire Protection, Professional Foresters Registration, will be admitted to the examination, but they must secure the license before they will be considered eligible for appointment.)

Or II

Experience: Two years of experience performing the duties of a Forestry Assistant II in the California state service. and

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection (applicants who do not possess the required license will be admitted to the examination, but they must secure the license before they will be considered eligible for appointment).

Or III

Experience: One year of experience performing the duties of a Forestry Assistant II in the California state service and six months of forestry work requiring professional skill. (Graduation from college with specialization in forestry, range management, or a closely related natural resource field may be substituted for the six months of forestry work.) and

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection (applicants who do not possess the required license will be admitted to the examination, but they must secure the license before they will be considered eligible for appointment).

Or IV

Experience: Either

1. Three years of experience in the California state service performing forestry work requiring professional skill, fire prevention, or supervising fire suppression work in a class comparable in level to a Forestry Assistant II. or
2. Two years of experience in forestry work requiring professional skill involving one of the following: management of a forest area; management of forest resources; appraising forest resources; ~~harvesting forest products~~; forest engineering; regulating forest practices; controlling forest pests; reforestation or tree nursery production; urban forestry; or range and watershed management duties. (Graduate work in forestry may be substituted for up to one year of the required experience on a year-for-year basis.) and

Education: Equivalent to graduation from college with specialization in forestry, range management, or a closely related natural resource

field. (Additional qualifying experience may be substituted for up to two years of the required education on a year-for-year basis.) and

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection (applicants who do not possess the required license will be admitted to the examination, but they must secure the license before they will be considered eligible for appointment).

FORESTER II (SUPERVISORY)

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection. and

Either I

Experience: Two years of experience in the California state service performing forest, range, or watershed management duties in a class comparable in level to a Forester I (Nonsupervisory).

Or II

Experience: Three years of experience in forestry work requiring professional skill involving management of a forest area, appraising management of forest resources, ~~harvesting forest products~~ appraisal of forest resources, forest engineering, regulating forest practices, controlling forest pests, reforestation or tree nursery production, urban forestry, or range and watershed management duties. (Graduate work in forestry may be substituted for up to one year of the required experience on a year-for-year basis.) and

Education: Equivalent to graduation from college with specialization in forestry, range management, or a closely related natural resource field. (Additional qualifying experience may be substituted for up to two years of the required education on a year-for-year basis.)

FORESTER III

License Requirement: Possession of a valid license as a Registered Professional Forester issued by the California State Board of Forestry and Fire Protection. and

Experience: One year of experience in the California state service performing forest, range, or watershed management duties in a class comparable in level to a Forester II (Supervisory).

KNOWLEDGE AND ABILITIES

FORESTER I (NONSUPERVISORY)

Knowledge of: Natural sciences (biology, botany, geology, hydrology, ecology, soil science, and climatology, including climate change principles); forest, and range, wildlife, and fisheries management principles and practices; California vegetative types, soil, climatic conditions, and plant ecology and the tools, methods, and practices related to vegetation management, including fuels management; tools, methods, and practices related to forest and range inventory, mensuration, timber appraisal, land surveying, mapping, and forest harvesting methods and practices; tree nursery production, distribution, reforestation, and forest pest control; identification and protection of archaeological sites and other cultural resources; tools, methods, practices, programs, organization, and standards related to fire prevention, wildland fire protection, fire behavior, and all-risk incident management, strategy, and tactics; watershed management and erosion control methods; California State, local, and Federal environmental, forest, and fire laws, and regulations applicable in California; criminal, civil, and administrative law and law enforcement and investigation techniques; tools, methods, and practices related to forest engineering, land surveying, mapping, photogrammetry, and use and applications of remote sensing imagery; evaluation techniques and migration methods for land management and incident related activities and effects; the Department's mission, vision, and values; the Board of Forestry and Fire Protection's and the Department's policies; other agencies' roles, objectives, and jurisdictional authorities; and forest economics, forest product valuation, and forest product utilization.

Ability to: Interpret and apply technical standards and make decisions based on available data; make inspections and investigations and prepare technical reports of findings; research the literature and other sources for information; use clear and concise expression in oral presentations, written reports, and correspondence; identify and protect archaeological sites sensitive resources; and work effectively with timber operators and harmoniously with others (e.g., co-workers, other fire protection agencies, the public, landowners, other governmental agencies, and the business community).

FORESTER II (SUPERVISORY)

Knowledge of: All of the above, and program administration; forest policy development and application; principles of effective supervision; and a supervisor's responsibility for promoting equal

opportunity in hiring and employee development and promotion, and for maintaining a safe work environment that is free of discrimination and harassment.

Ability to: All of the above, and accept increasing responsibility and accomplish objectives without close guidance and review; effectively plan and organize work programs; effectively promote equal opportunity in employment and maintain a safe work environment that is free of discrimination and harassment; and demonstrate leadership.

FORESTER III

Knowledge of: All of the above, and but at a broader level of scope that includes multiple programs, agencies, and levels of government; policies, objectives, and standards established by the Board of Forestry and Fire Protection; conservation programs and forest and wildland management as practiced in California; research and statistical methodology; special project management; principles of personnel management; training; and budgeting.

Ability to: All of the above, and manage multiple responsibilities simultaneously and meet deadlines; demonstrate leadership; analyze problems and design systems for project organization and problem solving; do technical and policy writing and editing for publication; effectively communicate with ~~local~~ various levels of government, the media, and the private sector; and effectively plan and organize work programs.

ADDITIONAL DESIRABLE QUALIFICATIONS

ALL LEVELS:

Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles.

SPECIAL PERSONAL CHARACTERISTICS

ALL LEVELS:

Willingness to work long and irregular hours under stressful conditions, in remote parts of the State, and during the fire season, to remain available for duty assignments 24 hours a day as required; ability to meet physical and medical standards established by the Department of Forestry and Fire Protection; and color vision and visual acuity sufficient to perform the duties of the position;

ability to perform and exercise good judgment under emergency or other stressful situations; and ability to operate specialized equipment (e.g., personal computers, audio visual, fire apparatus, vehicles, camera).

FELONY DISQUALIFICATION

Existing law provides that persons convicted of a felony are disqualified from employment as peace officers. Such persons are not eligible to compete for, or be appointed to, positions in this class. This felony disqualification applies only to those positions designated as peace officers within this class.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Forester I (Nonsupervisory)	9/4/34	7/8/08	11/5/96
Forester II (Supervisory)	10/20/31	11/5/96	11/5/96
Forester III	5/2/52	11/5/96	5/21/64

ccd/sks

CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions. The first section lists position actions that have been proposed and are currently under consideration. Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Consulting Services Division of the State Personnel Board, and the department proposing the action. To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication. In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board. The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) SENIOR VICE PRESIDENT OF FINANCE

The State Compensation Insurance Fund proposes to allocate the above position to the CEA category. This position will be the chief policy maker in the areas of accounting, budgeting, payables and receivables, business applications, banking, financial systems and analysis, and credit and collections. The proposed position will be responsible for formulating policy and providing program management oversight to implement a comprehensive and coordinated finance program that will ensure the fiscal solvency and financial integrity of the State Compensation Insurance Fund in alignment with the department's mission, vision, and values.

(2) DIRECTOR OF CLINICAL INTEGRATION

The California Prison Health Care Services proposes to allocate the above position to the CEA category. This position will serve as the healthcare executive and chief policy maker devoted to creation of functional integration of court mandates and clinical and administrative disciplines including medical, dental, mental health, substance abuse, and custody, to support effective and efficient patient care throughout the healthcare system continuum for California prison patient-inmates.

(3) CHIEF DEPUTY, PROGRAM OPERATIONS

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The position will be responsible for the management and oversight of all investigative and offender screening operations as well as the administrative functions for the Board of Parole Hearings. The position will also be responsible for the statewide formulation and implementation of policies, procedures, and protocols pertaining to the Sexually Violent Predator and Mentally Disordered Offender Programs, Forensic Assessment, Investigations, and the Workforce Development Divisions of the Board of Parole Hearings.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

(1) DEPUTY EXECUTIVE DIRECTOR

The California Debt & Investment Advisory Commission's request to revise the existing CEA allocation for the above position has been approved effective February 11, 2009.

(2) POLICY ADVISOR

The Department of Water Resources' request to allocate the above position to the CEA category has been approved effective February 11, 2009.

(3) SENIOR VICE PRESIDENT OF HUMAN RESOURCES AND ORGANIZATIONAL DEVELOPMENT

The State Compensation Insurance Fund's request to allocate the above position to the CEA category has been approved effective February 11, 2009.

SUBMITTED ITEMS NOT SCHEDULED FOR ACTION

These items have been taken under submission by the State Personnel Board at a prior meeting and are not scheduled for action at this meeting.

A. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

SUBMITTED ITEMS SCHEDULED FOR ACTION

These items have been taken under submission by the State Personnel Board at a prior meeting and are scheduled for action at this meeting.

A. RECEIVER'S REQUEST FOR DELEGATION AND MODIFICATION TO PROCESSES

The Receiver's Office requested the Board delegate several classification functions to the Receiver's Office, subject to Board audit, and requested the Board approve revised procedures for reviewing examination and classification requests submitted by the Receiver's Office.

EVIDENTIARY CASES

A. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS AFTER HEARING

The Board Administrative Law Judges (ALJ) conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 08-3108**
Appeal from rejection during probation
Classification: Account Clerk II
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 07-2311**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
- (3) **CASE NO. 06-4350**
Appeal from demotion
Classification: Supervising Lottery Agent
Department: California State Lottery Commission
- (4) **CASE NOS. 07-3913E, 07-3951E & 07-3954E**
Appeal from retaliation, discrimination and denial of reasonable accommodation complaint
Classification: Claims Adjustor
Department: State Compensation Insurance Fund
- (5) **CASE NO. 08-1367**
Appeal from 10 percent reduction in salary for 12 pay periods
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
- (6) **CASE NO. 07-4022**
Appeal from 10 days suspension
Classification: Senior Deputy Inspector General
Department: Office of the Inspector General
- (7) **CASE NO. 07-0940**
Appeal from denial of reasonable accommodation and constructive medical termination
Classification: Investigator, DMV
Department: Department of Motor Vehicles

- (8) **CASE NO. 08-2080**
Appeal from dismissal
Classification: Senior Vocational Rehabilitation Counselor
Department: Department of Rehabilitation
- (9) **CASE NO. 06-1296**
Appeal from rejection during probation
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (10) **CASE NO. 07-1462**
Appeal from constructive demotion
Classification: Administrative Assistant
Department: California State University, Los Angeles

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

B. PETITIONS FOR REHEARING

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 06-0053P**
Appeal from dismissal
Classification: Parole Agent I, Adult Parole
Department: Department of Corrections and Rehabilitation

C. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board. No materials included.

- (1) **CASE NO. 04-2605A, CASE NO. 04-2614A, CASE NO. 04-2606A, CASE NO. 04-2607A, CASE NO. 04-2608A, CASE NO. 04-2611A**
Appeals from dismissal
Classifications: Correctional Sergeant and Correctional Officer
Department: Department of Corrections and Rehabilitation
Decision rejected January 14, 2009.
Transcripts prepared.
- (2) **CASE NO. 07-3421PA**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted October 21, 2008.
Transcripts prepared.
Oral argument set for February 11, 2009.
Oral argument continued.
Oral argument set for April 14, 2009.

(3) CASE NO. 07-3302A

Appeal from dismissal
Classification: Custodian
Department: Department of General Services
Proposed decision rejected December 16, 2009.
Transcripts prepared.
Oral argument set for May 14, 2009.

(4) CASE NOS. 05-4338EA & 05-4339A

Appeal from denial of reasonable accommodation and constructive medical termination
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
Decision rejected September 23, 2008.
Transcripts prepared.
Oral argument set for December 2, 2008, San Francisco.
Oral argument continued.
Oral argument set for February 11, 2009.
Oral argument continued.
Oral argument set for April 14, 2009.
Oral argument continued.
Oral argument set for May 14, 2009.

(5) CASE NO. 07-1920A

Appeal from constructive medical separation and for benefits pursuant to Government Code section 19253.5
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
Decision rejected January 14, 2009.
Transcripts prepared.

(6) CASE NO. 06-3735A

Appeal from demotion
Classification: Patrol Lieutenant Supervisor
Department: Department of Fish and Game
Decision rejected January 14, 2009.
Transcripts prepared.
Oral argument set for May 14, 2009.

- (7) **CASE NO. 05-3443PA**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
Petition for Rehearing granted January 27, 2009.
Oral argument set for April 14, 2009.
- (8) **CASE NO. 07-3362P**
Appeal from dismissal
Classification: Officer, CHP
Department: Department of the California Highway Patrol
Petition for Rehearing granted February 25, 2009
Pending transcripts.
- (9) **CASE NO. 08-0440PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for Rehearing granted October 21, 2008.
Transcripts prepared.
Oral argument set for May 14, 2009.
- (10) **CASE NO. 07-3822PA**
Appeal from medical demotion
Classification: Psychiatric Technician (Safety)
Department: Department of Mental Health
Petition for Rehearing granted January 14, 2009.
Pending transcripts.
- (11) **CASE NO. 07-1749PA**
Appeal from automatic resignation
Classification: Youth Correctional Officer (Permanent-Intermittent)
Department: Department of Corrections and Rehabilitation
Petition for Rehearing granted October 21, 2008.
Transcripts prepared.
Oral argument set for February 11, 2009.
Oral argument continued.
Oral argument set for April 14, 2009.
- (12) **CASE NO. 07-0996PA**
Appeal from dismissal
Classification: Physician & Surgeon, CF
Department: Department of Corrections and Rehabilitation
Petition for Rehearing granted January 27, 2009.
Transcripts prepared.

(13) CASE NO. 07-3440A

Appeal from 10 percent reduction in salary for 13 months

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

Decision rejected January 14, 2009.

Pending transcripts.

(14) CASE NO. 06-2882A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Decision rejected January 14, 2009.

Pending transcripts.

(15) CASE NO. 07-3873PA

Appeal from dismissal

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted October 21, 2008.

Transcripts prepared.

Oral argument set for February 11, 2009.

Oral argument continued.

Oral argument set for April 14, 2009.

(16) CASE NO. 07-1534PA

Appeal from denial of reasonable accommodation

Classification: Supervising Registered Nurse II

Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted January 27, 2009.

Pending transcripts.

D. ORAL ARGUMENTS

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties. No materials included. Material provided to Board under separate cover.

NONE

E. CHIEF COUNSEL RESOLUTIONS

No materials included. Material provided to Board under separate cover.

(1) CASE NO. 08-2370

Classification: State Park Ranger

Department: Department of Parks and Recreation

Request for Order to Show Cause

(2) **IUOE, AFL-CIO, Local 39 & SEIU Local 1292 v. Tehama County**
Request to approve alternate disciplinary review process.

(3) **CASE NO. 07-3822P**
Classification: Psychiatric Technician
Department: Department of Mental Health
Request to Rescind Decision Granting Petition for Rehearing

F. PENDING BOARD DECISIONS

These items have been taken under submission by the State Personnel Board at a prior meeting. No materials included.

NONE

NON-EVIDENTIARY CASES

G. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

(1) **CASE NO. 07-3764N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within five years of application.

(2) **CASE NO. 07-2328N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; education (accreditation)

(3) **CASE NO. 07-5172N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; a lifetime firearms prohibition.

(4) **CASE NO. 07-5333N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; felony conviction

- (5) **CASE NO. 07-4909N**
Classification: Youth Correctional Officer/Youth Correctional Counselor
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; use of non-prescription drugs
- (6) **CASE NO. 07-6420N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (7) **CASE NO. 08-1653N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history; omitting pertinent information; failure to comply with background process
- (8) **CASE NO. 08-3026N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; termination from peace officer employment within three years
- (9) **CASE NO. 08-1657N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information
- (10) **CASE NO. 08-1528N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history
- (11) **CASE NO. 08-3027N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; minimum qualifications
- (12) **CASE NO. 08-1409N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information; fraud
- (13) **CASE NO. 08-2253N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; arrest record, negative law enforcement contacts, and negative employment record

- (14) **CASE NO. 08-2525N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability
- (15) **CASE NO. 08-1545N**
Classification: Physician & Surgeon, Correctional Facility (Internal Medicine/Family Practice)
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; minimum qualifications

H. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

CASES HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 07-2609N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (2) **CASE NO. 07-1581N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (3) **CASE NO. 07-2370N**
Classification: Cadet
Department: California Highway Patrol
- (4) **CASE NO. 07-2582N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (5) **CASE NO. 07-1603N**
Classification: Cadet
Department: California Highway Patrol
- (6) **CASE NO. 07-4448N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (7) **CASE NO. 07-1450N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation

- (8) **CASE NO. 07-3810N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (9) **CASE NO. 07-1501N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
- (10) **CASE NO. 07-2923N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation

I. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

J. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

K. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

RULE 211

NONE

RULE 212

NONE

VOIDED APPOINTMENTS

NONE